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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------------|
| 10/827,503 | 04/19/2004 | Johnny Tai | CFP-2394 (20040142.ORI) | 3470 |
| 69638 7590 07/26/2007 KAMRATH & ASSOCIATES P.A. 4825 OLSON MEMORIAL HIGHWAY SUITE 245 GOLDEN VALLEY, MN 55422 | | | EXAMINER HARPER, TRAMAR YONG | |
| | | | ART UNIT 3714 | PAPER NUMBER |
| | | | MAIL DATE 07/26/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/827,503 | Applicant(s) TAI, JOHNNY | |
| | Examiner Tramar Harper | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regards to "a massage module connected with the selection module on one hand and connected with the vibrators on the other hand" is unclear as to what is actually being claimed. It appears to read that that one hand operates the selection module and one hand on the actual vibrators. Examiner thinks that the applicant could be trying to claim that the message module is linked between the selection module and vibration part of the chair. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 2003/0199295) in view Jain (US 5,713,832).

Claims 1-2, & 4: Vancura discloses a gaming machine/controller that comprises of a display, a selection module for selecting various preferences including actuating the player's massage chair (in order to actuate the massage chair the gaming machine has

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to encompass a massage module Abstract, ¶ 45). The input devices or controls vary from switches keyed to choices, a hand computer pad, stylus on the touch screen, or keyboard input (¶ 32). Such controls are representative of various actions within the game (¶ 35, 37, 40).

Vancura discloses the above, but fails to disclose a game module for providing various player selectable games. However, Vancura does disclose that switching between games is easy and is accomplished by simply replacing software. Vancura discloses that it is well known in the art to have multi-game machines, wherein a player can select one or more different games to play when the player is not satisfied with a particular game play. The player simply changes the game via a menu on a touch screen (¶ 9). It would have been obvious to one of ordinary skill at the time of the invention to have modified Vancura to include a game selection module, as taught above, for purposes of providing the player with ability to make personal or preferential changes to the game machine (¶ 27). Such a modification would provide a gaming machine that adapts to the player's needs and wants making the gaming machine more desirable to play.

Vancura discloses the above, but furthermore fails to specifically disclose a massage module wherein a user can actuate various combinations of vibrators within the massage chair. Jain discloses a massage chair with a massage controller wherein a user can select various modes of massages and actuate various combinations of massages within the chair (Abstract, Col. 6:13-60, Figs. 1, 7, 10-11). Vancura's system is drawn towards accommodating a player's personal preferences during game play. It

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would have been obvious to one of ordinary skill in the art to have modified the game/massage system of Vancura with the more user customizable massage chair and controls of Jain for purposes of providing a more personalized massage experience during game play. Such a modification would provide a gaming machine that adapts to the player's needs and wants making the gaming machine more desirable to play.

Claim 3: Vancura in view of Jain fails to disclose an input device that includes a group of buttons for control of a cursor within a display. Vancura discloses that the input devices can comprise of a stylus on a touch screen or a touch screen, which are well known equivalents to a cursor used to select a choice on a display. Applicant has not disclosed that having a group of buttons for controlling a cursor provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the input device of Vancura in view of Jain, and applicant's invention, to perform equally well with either the input devices as a touch screen or stylus on a touch screen, as taught by Vancura in view of Jain, or the claimed group of buttons because both provide the same function of providing to the player a means for selecting various choices with the gaming apparatus. Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Vancura in view of Jain such that the input device comprises of a group of buttons for controlling a cursor for player selection on display because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Vancura in view of Jain.

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Claim 5: Vancura discloses that the player can actuate the massage chair via the controls on the gaming machine (see above). Jain discloses that the player can select various massage modes and actuate various combinations of vibrators via the control buttons (Col. 6:13-60).

Claim 6: Vancura discloses providing a multi-game gaming machine, wherein a player can select various games at the player's discretion. However, Vancura in view of Jain fails to disclose the gaming machine comprising a game slot for receiving a game card. Applicant has not disclosed that having a game slot for receiving a game card provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the multi-game machine of Vancura in view of Jain, and applicant's invention, to perform equally well with either the multi games built into the machine, as taught by Vancura in view of Jain, or the claimed game slot because both provide the same function of providing the player with a means for playing various games. Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Vancura in view of Jain such that the game machine comprised of a game slot to receive a game card because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Vancura in view of Jain.

Claim 7: Vancura discloses replacing software to provide a multi-game gaming machine. Therefore, Vancura inherently has to have some type of tangible storage medium for recording such software e.g. a game card.

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Claim 8: Although not explicitly disclosed, Vancura's gaming machine inherently has to be linked to the massage chair in order to actuate the vibrator. Jain discloses the massage module is linked via a cable (Figs, 1, 7, 10-11).

Claim 9: Vancura in view of Jain fails to disclose the controller being wirelessly linked to the vibrators via a wireless transceiver within the controller. Jain discloses the controller linked via a cable to the vibrators. Applicant has not disclosed that linking the controller to the vibrators wirelessly provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the controller/vibrator device of Vancura in view of Jain, and applicant's invention, to perform equally well with either the controller linked to the vibrators via a cable, as taught by Vancura in view of Jain, or the claimed controller linked to the vibrators wirelessly because both provide the same function of providing the player the ability to manipulate the massage chair. Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Vancura in view of Jain such that the gaming machine/controller is linked to the vibrators of the massage chair wirelessly because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Vancura in view of Jain.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Kikumoto et al (US 2002/0068887) discloses a massage chair with a game type machine controller.

Moriyasu (US 5,857,986) discloses an interactive vibrator for multimedia.

Fukushima et al (US 6,123,661) discloses a relax refresh system for multimedia.

Yamanoto (JP 2003-310709 A) discloses a massage chair for a game machine.

Long (US 20050067866) discloses a pedicure/massage chair entertainment center with attachments for a portable game.

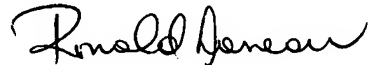
Gatto et al (US 20060014586) discloses a game machine with a massage chair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau
Primary Patent Examiner
Art Unit 3714

TH

7/20/07